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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 DAVID J KOVANEN,

8 Plaintiff,

v.

9 ASSET REALTY LLC et al.,

10 Defendants.

Case No. 3:25-cv-05078-LK
ORDER RE: SETTLEMENT
CONFERENCE WITH UNITED
STATES MAGISTRATE JUDGE

11 This matter comes before the Court on the parties' request for settlement
12 conference and the Honorable Lauren King's order granting the parties' request,
13 referring this case to the undersigned for settlement purposes. See Dkt. 18.

14 Accordingly, the Court orders as follows:

15 **The parties are directed to appear for a Settlement Conference to be held**
16 **In-Person before the United States District Court for the Western District of**
17 **Washington at Tacoma. The Conference will start at 9:00 AM on March 27, 2025,**
18 **and will conclude no later than 3:00 PM. The required settlement memoranda,**
19 **more fully described below, are due no later than 1:30 PM on March 25, 2025.**

20 Persons with ultimate settlement authority must be personally present at the
21 settlement conference or readily available by phone.

22 Participation of parties at the settlement conference is likely to increase the
23 efficiency and effectiveness of the settlement conference. A request to be exempt from

1 this requirement should be submitted to the Court in writing no later than noon on March
2 21, 2025. Please address any request to Anna Mendoza, Judicial Law Clerk to
3 Magistrate Judge Fricke, at anna_mendoza@wawd.uscourts.gov. The email subject line
4 should include your case number and "Request for non-appearance of a party."

5 Parties not appearing in person shall be available by phone and email (including
6 the ability to review documents and sign) for the duration of the settlement conference.

7 Any counsel appearing without authority to negotiate, or without the ability to
8 readily contact the person with full and ultimate settlement authority throughout the
9 settlement conference, may be sanctioned.

10 Other people who may increase the probability of settling the case should be
11 present, if possible. For example, the attendance of an expert may be helpful. Counsel
12 assisting the client on related matters may need to be involved. At the very least,
13 contact information should be available for them at the conference.

14 The Court directs plaintiff to make a settlement demand on or before 5:00 PM on
15 March 19, 2025 and defendant is directed to respond to that demand on or before 5:00
16 PM on March 21, 2025.

17 Each party shall provide, **in confidence**, a concise settlement memorandum **no**
18 **longer than ten double spaced pages and which should not include attachments**
19 **or exhibits unless under extraordinary circumstances**. Please do not file these
20 confidential memoranda with the Clerk's Office or serve the memoranda on opposing
21 counsel. Each party's confidential memoranda shall include a brief description of:

- 22 1. any liability disputes;
23 2. facts you believe you can prove at trial;

- 1 3. the monetary value at issue in the case;
- 2 4. the major weaknesses in each side's case, both factual and legal;
- 3 5. the history of settlement negotiations thus far;
- 4 6. the party's settlement position;
- 5 7. the major obstacle(s) to settlement as you perceive it;
- 6 8. reference (by docket number) to any pending motions that would have a
7 significant effect on settlement for the Court to review prior to settlement;
- 8 9. special issues that may have a material bearing upon settlement discussions;
9 and
- 10 10. any person(s) (with a description of their position or role) you plan to bring to
11 the settlement conference.

12 In setting forth your settlement position, please do not limit your discussion to
13 arguments on the merits of your case. For the Court and the parties to be successful in
14 the limited time provided for this settlement conference, you should provide the Court
15 with a clear and candid understanding of your and your client's actual evaluation of the
16 interests, value, and monetary aspects that your client is most concerned about in any
17 potential settlement of this case and an idea of terms under which you believe the case
18 should settle.

19 The memorandum shall include the case number, case name, and should be
20 emailed directly to Magistrate Judge Fricke, at: anna_mendoza@wawd.uscourts.gov.
21 The email subject line should read: "Confidential – Kovanen v. Asset Realty LLC et al, -
22 March 27, 2025 – [Defendant/Plaintiff's name] Settlement Position Paper." Do not mail
23 hard copies of the settlement memorandum to chambers.

1 Counsel for the parties may be contacted by the Court to answer questions,
2 clarify issues, and discuss other preliminary matters designed to ensure the conference
3 itself is productive. Counsel may contact the Court by sending an email to Judicial Law
4 Clerk Anna Mendoza at: anna_mendoza@wawd.uscourts.gov if counsel would like to
5 request an appointment with Magistrate Judge Fricke to address any matter they
6 believe needs to be discussed in advance, including any request to use exhibits,
7 technology-assisted presentations, or conduct lengthy opening statements.

8 It is the duty of the parties to notify the Court if trial is continued or if the case is
9 settled or otherwise disposed of prior to the date of the scheduled settlement
10 conference, so that the matter may be removed from the Court's docket.

11 In the time period immediately preceding the settlement conference, if either
12 party believes that negotiation attempts would not be fruitful at the time set for the
13 conference for any reason, that party should contact the Court as soon as possible to
14 discuss the concern. Counsel for the parties are strongly encouraged to engage in
15 preliminary discussions with an eye toward meaningfully narrowing their disputes before
16 appearing for the Conference.

17 The Court expects that each participant will be well-prepared, open-minded, and
18 sincerely interested in achieving settlement. To encourage open communication, the
19 Court orders that all matters communicated in connection with this judicial settlement
20 are confidential and not to be used for any other purpose.

1 Dated this 12th day of March, 2025.

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5 Theresa L. Fricke
6 United States Magistrate Judge
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